

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

LISA C. NEAL, an individual,

Plaintiff,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

No. 3:20-cv-06025-RSL

DECLARATION OF JAYNE L.
FREEMAN IN SUPPORT OF
DEFENDANT CITY OF
BAINBRIDGE ISLAND'S MOTION
FOR PROTECTIVE ORDER

I, Jayne L. Freeman, declare as follows:

1. I am one of the attorneys representing Defendant City of Bainbridge Island in this lawsuit. I make this declaration based upon my own personal knowledge, upon facts which are admissible in evidence. I am competent to testify to the matters set forth in this declaration.

2. On March 4, 2021, the City filed a Motion to Dismiss, noted for hearing March 26, 2021. *See* Dkt. 10. The facts and proceedings leading up to and establishing the basis for the Motion are set forth therein.

3. On Friday, March 5, 2021, I participated in a scheduled Fed. R. Civ. P. 26 attorney conference with Plaintiff Lisa Neal, Plaintiff's counsel Chris Neal, and co-counsel for the City, Kari Lester, and Audrey Airut Murphy. Counsel for the parties discussed the issues outlined in the court's initial scheduling order, and a draft Joint Status Report prepared by Plaintiff's counsel.

4. Regarding phasing of discovery, etc., I indicated that the City proposed

1 delaying discovery, including Initial Disclosures, until after the court ruled on the City's
2 pending Motion to Dismiss in the event the ruling impacted the necessity and/or scope of
3 potential discovery issues.

4 5. Plaintiff's counsel requested that the City continue the noting date of the
5 Motion to Dismiss [Dkt. 10] until the end of April, citing a number of reasons, including
6 the desire to conduct discovery. I indicated during the conference on Friday that it was
7 unlikely the City would agree to such an extension, and on Monday, March 8th, confirmed
8 the City had not authorized me to agree to a continuance of the motion.

9 6. During the conference, Plaintiff's counsel proposed setting a trial date in the
10 Spring of 2023, approximately two years away.

11 7. On Monday, March 8, 2021, Plaintiff's counsel served Interrogatories and
12 Requests for Production on the City of Bainbridge Island via my office. See Attached
13 **Exhibit A.**

14 8. Plaintiff Lisa Neal has previously submitted a number of public records
15 requests to the City pursuant to RCW Ch. 42.56, Washington's Public Records Act, and has
16 already obtained a vast number of documents and items (audio, etc.) through this process.
17 In many respects, the discovery requests are largely duplicative of these disclosures. To the
18 extent the requests differ, it appears Plaintiff is making discovery requests that are even
19 more broad and less likely to lead to discovery of evidence related to the claims in her
20 lawsuit.

21 9. Based on initial review of the discovery requests, the City anticipates raising
22 objections to the scope of a number of the requests as overly broad, unduly burdensome,
23 outside the scope of allowable discovery under Fed.R.Civ.P. 26, and not proportional to the
24 needs of discovery as related to Plaintiff's claims.

25 10. On Thursday, March 11th, I advised Plaintiff's counsel that the City intended
26 to seek a protective order staying discovery pending a ruling on the Motion to Dismiss and
27 scheduled a discovery conference with Plaintiff's counsel to discuss. The conference was

1 handled by co-counsel for the City, Ms. Lester.

2 I declare under penalty of perjury under the laws of the State of Washington that the
3 foregoing is true and correct to the best of my knowledge.

4 DATED this 11th day of March, 2021, at Seattle, Washington.

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6 /s/ Jayne L. Freeman

7 Jayne L. Freeman, WSBA #24318
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CERTIFICATE OF SERVICE

I hereby certify that on the below date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiff

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DATED: March 11, 2021

/s/ Jayne L. Freeman

Jayne L. Freeman, WSBA #24318